

ARTICLE APPEARED
IN
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31 October 1984

In Trial Testimony Conflicts Are Seen

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NEW YORK, Oct. 30—Everette S. Parkins, describing why he was abruptly transferred in 1967 from his job as a senior intelligence officer in South Vietnam, today became the latest witness for retired Army general William C. Westmoreland to offer what appeared to be conflicting testimony.

The retired Army colonel, now an engineer in Ottawa, Ill., told jurors in Westmoreland's \$120 million libel suit against CBS Inc. that he was dismissed because a long-simmering personality conflict with a superior officer erupted into a shouting match.

Parkins said a 1982 CBS documentary, subject of the libel action, was incorrect in saying he was fired for what was in papers that dealt with enemy troop strength and were being delivered by him to his superior at the time they argued.

"I do not believe the statement was true," Parkins told the U.S. District Court jury about the CBS version.

Within minutes, however, on cross-examination, this ninth witness for Westmoreland appeared to help buttress CBS' case.

The testimony recalled Judge Pierre N. Leval's warning to jurors three weeks ago that their best tool during the trial would be "common sense" as witnesses contradict each other on events 17 years ago in Vietnam. Some witnesses for Westmoreland also have seemed to contradict themselves.

CBS' attorney David Boies showed Parkins a copy of his sworn affidavit from August 1983 when Parkins said he was fired because the document delivered by him called for raising enemy troop estimates and angered then-Col. Charles A. Morris.

Parkins acknowledged that, as the affidavit said, Morris began arguing with him because he "believed that the study should report enemy strength figures lower than the figures I was reporting."

At issue, as in most testimony so far, is whether the documentary, "The Uncounted Enemy: A Vietnam Deception," was substantially true.

Westmoreland's lawyers must prove that it was false and then, because the former head of the Military Assistance Command, Vietnam (MACV), is a public figure, prove that CBS knew it was untrue or showed "reckless disregard" about the facts.

Westmoreland's attorneys have presented witnesses who they believe are chipping at the credibility of the program, which charged that the general was the point man in a "conspiracy" to hide larger enemy troop counts in 1967 from the public, the media, and his superiors, including President Lyndon B. Johnson.

Boies has turned combative as he challenges witnesses with their pre-trial depositions and tries to impugn the credibility of the general's former colleagues on the stand.

Last Friday and again Monday, there was conflicting testimony from retired Army brigadier general George A. Godding, head of an Army delegation to Central Intelligence Agency headquarters in Langley, Va., in August 1967 to negotiate differences about enemy troop estimates.

A major issue is whether Westmoreland imposed a ceiling of 300,000 on estimates of enemy combatants for the delegation to use in establishing the official Order of Battle eventually destined for Johnson.

The CIA estimated as many as 200,000 more enemy troops than the Army range of 280,000 to

316,000. According to testimony, MACV had decided to drop from the battle estimate the "self-defense" and "secret self-defense" troops, mostly women, teen-agers and older men engaged in guerrilla tactics.

On the stand, Godding denied that Westmoreland had imposed a ceiling, saying the general gave him "guidance" before the negotiations and told him that he stood by Godding's figures.

Later, Godding acknowledged that he could not make "substantial" changes in the figures without Westmoreland's approval and that an "impasse" was reached when CIA officials demanded that the two dropped categories be restored to the troop summary.

"It is the case, is it not, that when you went to . . . Langley, you had been instructed to present and defend an estimate of approximately 297,000?" Boies asked.

"That's correct," Godding said.

"And it was your understanding that you were not authorized to depart from that estimate without getting permission from MACV headquarters . . . ?"

"That's correct."

After several such apparent contradictions, Leval told lawyers away from the jury that Godding "says different things on many different occasions, sometimes in close proximity to one another."

Westmoreland's lawyers, concentrating on proving that CBS erred in saying he misled his superiors in the crucial months before the Tet offensive of January 1968, have produced two witnesses to show that Westmoreland's subordinates let the Joint Chiefs of Staff know about the higher figures.

Former lieutenant general Phillip B. Davidson, Jr., head of Army intelligence in South Vietnam in 1967, acknowledged that he cabled the late general Earle Wheeler, then chairman of the Joint Chiefs of Staff, saying:

"If self-defense and secret self-defense strength figures are included in the overall enemy strength figure, the figure will total 420,000 to 431,000, depending on minor variations. This is in sharp contrast to the current overall strength figure of about 299,000 given to press."

Special correspondent John Kennedy contributed to this report.